

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

RICHARD POTTS,

Petitioner,

v.

DAVID J. EBBERT,

Respondent.

CIVIL ACTION NO. 3:CV-12-1355

(JUDGE CAPUTO)

(MAGISTRATE JUDGE CARLSON)

ORDER

NOW, this 28th day of September, 2012, **IT IS HEREBY ORDERED** that Magistrate Judge Carlson's Report and Recommendation (Doc. 5) to Petitioner Richard Potts' Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241 (Doc. 1) is **ADOPTED in part and REJECTED in part.**

- (1) The recommendation to dismiss the Petition for lack of jurisdiction is **ADOPTED.**
- (2) The recommendation to transfer the Petition to the United States District Court for the Eastern District of Pennsylvania is **REJECTED.**
- (3) The Clerk of Court is directed to mark the case as **CLOSED.**

/s/ A. Richard Caputo
A. Richard Caputo
United States District Judge